

Message Text

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ORIGIN OES-09

INFO OCT-01 EUR-12 ISO-00 INRE-00 NSCE-00 ACDA-12
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TO AMEMBASSY BRUSSELS IMMEDIATE
INFO AMEMBASSY PARIS PRIORITY
AMEMBASSY LONDON
AMEMBASSY ROME
AMEMBASSY DUBLIN
AMEMBASSY COPENHAGEN
AMEMBASSY THE HAGUE
AMEMBASSY LUXEMBOURG
AMEMBASSY BONN
AMEMBASSY VIENNA

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USEEC ALSO FOR EMBASSY, USIAEA

E.O. 11652: N/A

TAGS: ENRG, MNUC, TECH

SUBJECT: TEXT OF LETTER TO THE NUCLEAR REGULATORY
COMMISSION ON NUCLEAR EXPORTS TO EURATOM

FOLLOWING IS TEXT OF LETTER TO NRC COMMISSIONER HENDRIE
SIGNED BY ACTING SECRETARY ON JULY 20:
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QUOTE
AS YOU KNOW, SECTION 404(A) OF THE NUCLEAR PROLIFERATION
ACT OF 1978, PASSED BY CONGRESS ON MARCH 10, REQUIRES THE
PRESIDENT TO RE-NEGOTIATE THE NUCLEAR EXPORT PROVISIONS OF
ALL NUCLEAR AGREEMENTS TO CONFORM WITH SECTION 127 OF THE
ATOMIC ENERGY ACT OF 1954, AS AMENDED. IN THE INTERIM,
SECTION 126(A)(2) OF THE ATOMIC ENERGY ACT OF 1954, AS

AMENDED BY THE NUCLEAR NON-PROLIFERATION ACT OF -978, PROVIDES FOR CONTINUED COOPERATION UNDER EXISTING NUCLEAR AGREEMENTS FOR A PERIOD OF TWENTY-THREE MONTHS FOLLOWING ENACTMENT OF THE 1978 ACT, PROVIDED THE SECRETARY OF STATE NOTIFIES THE NUCLEAR REGULATORY COMMISSION THAT THE PARTIES TO THE AGREEMENT HAVE ENTERED INTO NEGOTIATIONS AS CALLED FOR UNDER SECTION 404(A) OF THE 1978 ACT.

THE CURRENT AGREEMENT FOR COOPERATION BETWEEN THE UNITED STATES AND EURATOM IS INCONSISTENT WITH SECTION 127(5) OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED BY THE 1978 ACT, SINCE IT DOES NOT REQUIRE PRIOR U.S. APPROVAL FOR THE REPROCESSING OR ALTERATION OF U.S. SUPPLIED OR DERIVED NUCLEAR MATERIALS. IN ANTICIPATION OF THE PASSAGE OF THE NUCLEAR NON-PROLIFERATION ACT OF 1978, THE DEPARTMENT OF STATE, THEREFORE, ON OCTOBER 17, 1977, SENT A DIPLOMATIC NOTE TO THE EUROPEAN COMMUNITY RECOMMENDING NEGOTIATIONS ON THIS MATTER AND U.S.-EURATOM NUCLEAR COOPERATION.

ON JULY 7, 1978, THE EUROPEAN COMMUNITY INFORMED US BY NOTE THAT IT AGREED TO OPEN DISCUSSIONS ON THE U.S.-EURATOM COOPERATION AGREEMENT. THIS NOTE, A COPY OF WHICH IS ENCLOSED, ALSO SETS FORTH SOME UNDERSTANDINGS ON THE BASIS OF WHICH THE EC HAS AGREED TO UNDERTAKE THESE DISCUSSIONS. THE DEPARTMENT ANTICIPATES THAT DISCUSSIONS PURSUANT TO THIS EXCHANGE OF NOTES WILL COMMENCE IN THE UNCLASSIFIED

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NEAR FUTURE.

THE DEPARTMENT OF STATE HAS DETERMINED THAT THE JULY 7 REPLY BY THE EUROPEAN COMMUNITY CONSTITUTES AGREEMENT TO NEGOTIATIONS AS CALLED FOR UNDER SECTION 404(A) OF THE NUCLEAR NON-PROLIFERATION ACT. THE DEPARTMENT, THEREFORE, ASKS THE NUCLEAR REGULATORY COMMISSION TO GIVE PROMPT CONSIDERATION TO THE LICENSE APPLICATIONS FOR NUCLEAR EXPORTS TO EURATOM-MEMBER COUNTRIES PENDING BEFORE THE COMMISSION.
END QUOTE. VANCE

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